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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. AVELLA, ADDABBO, MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to require a health impacts assessment for horizontal gas drilling and high-volume hydraulic fracturing; and imposing a moratorium on such activities pending adoption and implementation of the final health impacts assessment; and providing for the repeal of such provisions upon the expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. The legislature hereby finds that the
2 people of the state of New York should be properly informed of any and
3 all potential public health impacts posed by horizontal gas drilling and
4 high-volume hydraulic fracturing and their related activities. Such
5 analysis and information should serve as a tool for the people and their
6 representatives to make informed decisions regarding actions to be taken
7 with respect to horizontal gas drilling and high-volume hydraulic frac-
8 turing activities in the state.
9 S 2. A School of Public Health within the State University of New York
10 (hereinafter "the School of Public Health") shall conduct a comprehen-
11 sive health impacts assessment, following a model recommended by the
12 United States Centers For Disease Control and Prevention and the
13 National Academy of Sciences, to examine potential public health impacts
14 that could be caused by horizontal gas drilling and high-volume hydrau-
15 lic fracturing and related activities conducted in connection with such
16 drilling.
17 S 3. Prior to the commencement of research, the School of Public
18 Health shall prepare a scoping document that will establish the scope of
19 assessments to be made by the health impacts assessment. The scoping
20 document shall include the required analyses contained in this act as

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 well as any other potential analyses to be conducted, and shall be
2 subject to public review, comment and revision.

3 S 4. Such health impacts assessment shall include, at a minimum, the
4 following analyses:

5 (a) Identification and assessment of potential localized and statewide
6 health impacts from horizontal gas drilling and high-volume hydraulic
7 fracturing, extraction and related activities in the state;

8 (b) Identification and assessment of potential health impacts deter-
9 mining the magnitude, nature, extent and likelihood of potential health
10 impacts utilizing multiple methods and information derived from a combi-
11 nation of public health tools including risk assessment, literature,
12 population analysis and expert opinions from multiple sources;

13 (c) Identification and assessment of potential health impacts as they
14 relate to environmental justice concerns;

15 (d) Estimated costs of any health impacts from horizontal drilling and
16 related activities to the state, local governments, health insurers,
17 employers and the state's public and private health care systems as a
18 whole;

19 (e) Recommendations for any mitigation of potential health impacts and
20 the methods and evidence used to arrive at such recommendations, which
21 may include potential recommendations against any or all drilling activ-
22 ities; and

23 (f) A long-term plan for monitoring, evaluation, follow-up and miti-
24 gation of potential health impacts throughout the period that horizontal
25 drilling would take place in the state if such activity is to be recom-
26 mended.

27 S 5. A draft of the health impacts assessment directed under section
28 two of this act shall be released to the public for review and comment.
29 The School of Public Health shall conduct a minimum of two public hear-
30 ings regarding the findings of the draft health impacts assessment and
31 allow at least one hundred eighty days for the public to submit comments
32 to the School of Public Health. Upon the closing of the public comment
33 period, the School of Public Health shall categorize, review and respond
34 to all public comments. If substantive changes to the health impacts
35 assessment are made as a result of public comments, the School of Public
36 Health shall issue a supplemental draft. Such supplemental draft shall
37 similarly be subject to public comment and review, in compliance with
38 the parameters set out for the initial draft.

39 S 6. Upon completion of response to public comments on the final
40 draft, the School of Public Health shall submit the final health impacts
41 assessment to the department of health. The department of health shall
42 adopt the final health impacts assessment, which shall be available to
43 the public and a copy delivered to each house of the legislature and the
44 governor.

45 S 7. No horizontal gas drilling or high-volume hydraulic fracturing
46 shall be conducted in the state, and the state shall issue no permits
47 for extraction of oil or natural gas using the process of horizontal
48 drilling or high-volume hydraulic fracturing, prior to the adoption of
49 the final health impacts assessment by the department of health, as
50 required by section six of this act, and the state has in all material
51 respects implemented the recommendations made by such final health
52 impacts assessment.

53 S 8. This act shall take effect immediately and shall expire and be
54 deemed repealed on the one hundred twentieth day after the adoption by
55 the department of health of the final health impacts assessment;
56 provided that, the commissioner of the department of health shall notify

1 the legislative bill drafting commission upon the adoption of the final
2 health impacts assessment in order that such commission may maintain an
3 accurate and timely effective data base of the official text of the laws
4 of the state of New York in furtherance of effectuating the provisions
5 of section 44 of the legislative law and section 70-b of the public
6 officers law.